

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE:	§	CHAPTER 13
	§	
MARTIN ALFREDO MAESE	§	
	§	CASE NO. 20-30285-HCM
DEBTOR	§	

**THE CITY OF EL PASO'S OBJECTION TO
CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN**

TO THE HONORABLE COURT:

Now comes the City of El Paso and files this Objection to Confirmation of Debtor's Chapter 13 Plan ("Plan") dated April 22, 2020 and support thereof would respectfully show the Court as follows:

1. The City of El Paso is the holder of a claim in the amount of \$56,102.73 for year 2017 through estimated 2020 ad valorem taxes on the Debtor's property situated in the City of El Paso, El Paso County, Texas as follows:

- a. Business personal property located at 1775 Kuna Loop Cir (tax account number 17PP-999-2456-3050) in the amount of \$50,308.97 for year 2017 through 2020 ad valorem taxes.
- b. Real property located at 3064 Red Velvet Pl (tax account number V639-999-0470-4700) in the amount of \$5,793.76 for estimated year 2020 ad valorem taxes.

This claim is secured by liens on the property pursuant to sections 32.01 and 32.05 of the Texas Property Tax Code.

2. The Debtor's Chapter 13 Plan does not adequately provide for the claim of the City of El Paso in that the Plan fails to treat the business personal property located at 1775 Kuna Loop Cir (tax account number 17PP-999-2456-3050).

3. As an over secured creditor, the City of El Paso is entitled to interest on its claim from the petition date. U.S. v. Ron Pair Enterprises, 489 U.S. 235 (1989). Bankruptcy Code

Section 1325(a)(5)(B)(ii) requires that the payments to secured creditors have a “present value” equal to creditors’ allowed secured claims. The City of El Paso should be allowed interest from the petition date through the date of final payment at the rate of 12% per annum. See 11 U.S.C. §511.

WHEREFORE, based on the foregoing, the City of El Paso respectfully requests the Court enter an Order denying confirmation of the Debtor’s Plan unless and until the Debtor amends its Plan to provide for the claim of the City of El Paso in the amount of \$56,102.73 to be paid through the Plan pro-rata with interest accruing at the rate of 12% per annum or to bifurcate and for such other relief to which it is entitled.

Respectfully submitted,

**LINEBARGER GOGGAN
BLAIR & SAMPSON, LLP**
112 E. Pecan Street, Suite 2200
San Antonio, TX 78205
(210) 225-6763 - *Telephone*
(210) 225-6410 - *Fax*

By: /s/ Bradley S. Balderrama
David G. Aelvoet (SBN 00786959)
Don Stecker (SBN 19095300)
Bradley S. Balderrama (SBN 24040464)
Attorney for the City of El Paso

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of *City of El Paso's Objection to Confirmation of Debtor's Chapter 13 Plan* was served this 1st day of May, 2020, by Electronic Filing and/or by First Class Mail upon the following:

Debtor:

Martin Alfredo Maese
3064 Red Velvet Pl
El Paso, TX 79938

Attorney for Debtor:

W. Matt Watson
Karla P. Griffin
Watson Law Firm, P.C.
1123 Rio Grande Avenue
El Paso, TX 79902

Chapter 13 Trustee:

Stuart C. Cox
1760 Lee Treviño
El Paso, TX 79936

/s/ Bradley S. Balderrama
David G. Aelvoet
Don Stecker
Bradley S. Balderrama